

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No. 1169 of 2005

Between:

Sri Syed Vazeer, s/o Syed Khaza Mohiuddin,
c/o S.K.M.Oil and Foods, Shop No.B-3-3, Industrial Area, Sarangapoor
Village, Nizamabad.

..... PETITIONER

AND

- 1.The Recovery Officer, Debts Recovery Tribunal,
Triveni Complex, Abids, Hyderabad.
- 2.The Branch Manager, ING Vysya Bank Ltd.,
7-9-818, Devi Road, Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to set aside the sale conducted on 29-12-2004 against the public notice dated 18.11.04 for property Industrial Shed/Office building etc., of 2634 sft.(approx) developed on plot No.1013.95 sq. yards in plot bearing No.E-2, (H.No.6-108) of Industrial Estate, Nehrunagar, Janakampet Village, Yedpally Mandal, Nizamabad District together with seed processing machinery & Equipment etc., declaring the impugned action of the respondent misleading the petitioner and other bidders favouring one Mr.Mohd.Ateef is illegal, arbitrary and in violation of principles of natural justice apart from the violative of fundamental right guaranteed under Articles 14 of the Constitution of India, award costs.

Counsel for the Petitioner: Mr.THALLAPALLY RAJASHEKHAR

Counsel for the Respondents :---

The Court at the stage of admission made the following :

ORAL ORDER:

(per Honourable Sri Devinder Gupta, the Chief Justice)

Filing of the Writ Petition by a bidder as regards the conduct of auction by the Recovery Officer under the provisions of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 is misconceived. The Petitioner has to avail the remedy available under the provisions of the Act and the Rules, which are applicable.

With leave and liberty granted, this Writ Petition is dismissed. No costs.

DEVINDER GUPTA, C.J.

1.2.2005.

M.NARAYANA REDDY, J.

VR

To

- 1.The Recovery Officer, Debts Recovery Tribunal,
Triveni Complex, Abids, Hyderabad.
- 2.The Branch Manager, ING Vysya Bank Ltd.,

7-9-818, Devi Road, Nizamabad-5003001.

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